

Issued by the
UNITED STATES DISTRICT COURTAPR 02 2008 *ds*

DISTRICT OF GUAM

JEANNE G. QUINATA
Clerk of Court

UNITED STATES OF AMERICA

SUBPOENA

V.

PATRICK JAMES CRUZ

Case Number: CR 98-00071

TO: Patrick James Cruz
H.C. XXXXX Box XX
Malojojo, Guam 96915

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

U.S. Attorney's Office, Sirena Plaza, Suite 500
108 Hernan Cortez Avenue, Hagatna, Guam 96910

DATE AND TIME

May 6, 2008 at 9:00 a.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE ATTACHED NOTICE OF INTENT TO TAKE ORAL DEPOSITION WITH SUBPOENA DUCES TECUM

PLACE

DATE AND TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

TEL: 671-472-7332

JESSICA F. CRUZ, Assistant U.S. Attorney

MIKE W. SCHWAB, Assistant U.S. Attorney

U.S. Attorney's Office, Sirena Plaza, Ste. 500, 108 Hernan Cortez Ave., Hagatna, GU 96910

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

If action is pending in district other than district of issuance, state district under case number.

ORIGINAL

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fees.

(2)(A) A person commanded to produce and permit inspections and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order

to attend trial be commanded to travel any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Perez, Michelle (USAGU)

From: charles_white@gud.uscourts.gov
Sent: Wednesday, February 20, 2008 1:05 PM
To: charles_white@gud.uscourts.gov
Subject: Activity in Case 1:98-cr-00071 USA v. Cruz Notice to Take Deposition

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

Civil/Criminal CM/ECF System

District Court of Guam

Notice of Electronic Filing

The following transaction was entered by Cruz, Jessica on 2/20/2008 at 1:04 PM CST and filed on 2/20/2008

Case Name: USA v. Cruz

Case Number: 1:98-cr-71

Filer:

Document Number: 64

Docket Text:

Notice to Take Deposition of Patrick James Cruz

1:98-cr-71-1 Notice has been electronically mailed to:

G. Patrick Civile pciville@guamattorneys.com

Jessica F. Cruz jessica.f.cruz@usdoj.gov, frances.leonguerrero@usdoj.gov, marie.chenery@usdoj.gov,
michelle.perez@usdoj.gov, mikel.schwab@usdoj.gov, usagu.docket@usdoj.gov

Marivic P. David marivic.david@usdoj.gov, greg.helm@usdoj.gov, Jason.denena@usdoj.gov,
michelle.perez@usdoj.gov, usagu.docket@usdoj.gov

1:98-cr-71-1 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:N:\Public\ECF\FLU\Guam\Cruz Patrick James CR 98-00071\For Filing\CruzPatrickJames_dep.pdf

Electronic document Stamp:

[STAMP dcecfStamp_ID=1088563379 [Date=2/20/2008] [FileNumber=78393-0]
[6038bdde1965dcb355e3d87a965adbe33b0c73aa952189a948de9f4b26316d015c456
52356eacbf481b8da8aab2773b2da34ee0f0ab1d3f443d4339be3d66707]]

1 **CRUZ_P.dep**

2 **LEONARDO M. RAPADAS**
United States Attorney
3 **JESSICA F. CRUZ**
Assistant U.S. Attorney
4 **MIKEL W. SCHWAB**
Assistant U.S. Attorney
5 Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
6 Hagåtña, Guam 96910-5059
TEL: (671) 472-7332
7 FAX: (671) 472-7334

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF GUAM**

11 **UNITED STATES OF AMERICA,**)
12)
13 **Plaintiff,**)

14 **vs.**)

15 **PATRICK JAMES CRUZ,**)
16 **Defendant.**)

CRIMINAL CASE NO. 98-00071

**NOTICE OF INTENTION TO TAKE
ORAL DEPOSITION WITH
SUBPOENA DUCES TECUM**

17 **TO: Patrick James Cruz**
18 **H.C. XXXXX Box XX**
19 **Malojojo, Guam 96915**

20 Please take notice that the United States of America, the plaintiff and judgment creditor
21 herein, will on May 6, 2008 take oral deposition of defendant, PATRICK JAMES CRUZ, in the
22 above styled and number case pursuant to Rules 30 and 69(a) of the Federal Rules of Civil
23 Procedure and in aid of collecting its judgment.

24 Said deposition will take place at the offices of the United States Attorney, 5th Floor,
25 Sirena Plaza, 108 Hernan Cortez Avenue, Hagåtña, Guam at 9:00 a.m. on May 6, 2008 and will
26 continue until completed. Said deposition will be taken before a Certified Court Reporter and
27 will be taken upon oral examination for the purpose of discovery or as evidence or both pursuant
28 to the Federal Rules of Civil Procedure.

1 Notice is hereby further given that at this deposition defendant, PATRICK JAMES
2 CRUZ, is hereby required to produce all documents described in the accompanying subpoena
3 duces tecum.

4 DATED, this 19th day of February, 2008.

5 LEONARDO M. RAPADAS
6 United States Attorney
7 Districts of Guam and the NMI

8 By: /s/ Jessica F. Cruz
9 JESSICA F. CRUZ
10 Assistant U.S. Attorney
11 Jessica.F.Cruz@usdoj.gov
12 MIKEL W. SCHWAB
13 Assistant U.S. Attorney
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SCHEDULE A TO NOTICE OF INTENT TO TAKE
ORAL DEPOSITION WITH SUBPOENA DUCES TECUM

1. Full and complete copies of your income tax returns for the past three (3) years filed by you or any business in which you owned an interest, or evidence of request to Department of Revenue and Taxation for filing of extension.
2. Earnings statements from your twelve (12) most recent pay checks.
3. Business records for the present year and past calendar or tax year which reflects assets, liabilities, contingent liabilities, gross receipts and expenses for any sole proprietorship, partnership or corporation in which you or your spouse owns any interest.
4. Current bank statements for the past twelve (12) months from all domestic and foreign banks or other financial institutions where any sole proprietorship, partnership or corporation in which you or your spouse owns any interest has an account of any kind.
5. Current bank statements for the past twelve (12) months from all domestic and foreign banks or other financial institutions where you or your spouse have an account of any kind.
6. All trust agreements in which you or your spouse are named settlor, trustee, or beneficiary.
7. All deeds, leases, contracts, and other documents evidencing encumbrances of any kind on real property owned by you or in which you or your spouse have any ownership interest.
8. All deeds of trusts, mortgages, or other documents evidencing encumbrances of any kind on real property owned by you or in which you or your spouse have any ownership interest.
9. A listing of all stock, bonds, or other securities of any class you own separately or jointly with others, including options to purchase any securities and the actual instruments if in your possession.
10. Current brokerage statements for the past twelve (12) months from any stock brokerage firm or similar entity where you or your spouse have an account of any kind.
11. Title to any motor vehicle owned by you or your spouse.
12. All life insurance policies in which you are either the insured or the beneficiary.
13. All promissory notes held by you, and all other documents evidencing any money owed to you either now or in the future.
14. All financial statements prepared by or for you in the last twelve (12) months and an updated verified Department of Justice financial statement (OBD 500) not more than sixty (60) days old (attached hereto).
15. All deeds, titles, bills of sale, or other documents prepared in connection with any transfer of real or personal property made with you, either by gift, sale, or otherwise in the last twelve (12) months.
16. A schedule of all regular expenses paid by you, such as installment debts, food, utilities, etc. Include the amount paid, the payee, and, if an installment debt, the amount of the debt owing and any security pledged.
17. All documents evidencing any interest you have in any pension plan, retirement fund, or profit sharing plan.
18. A certified copy of any divorce decree granted to you, plus a copy of any property settlement resulting from said divorce, including alimony and child support agreements or orders.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER CR 98-00071
DEFENDANT PATRICK JAMES CRUZ	TYPE OF PROCESS SERVICE OF DEPO SUBPOENA

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Patrick James Cruz
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
Malojloj, Guam

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW United States Attorney's Office, Financial Litigation Unit Sirena Plaza, Suite 500 108 Hernan Cortez Avenue Hagatna, Guam 96910	Number of process to be served with this Form 285	1
	Number of parties to be served in this case	1
	Check for service on U.S.A.	0

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

See attached informational purpose only. Not to be filed with the Court.

Signature of Attorney other Originator requesting service on behalf of: Jessica Cruz ☒ PLAINTIFF ☐ DEFENDANT
JESSICA F. CRUZ, Assistant U.S. Attorney
TELEPHONE NUMBER 671-472-7332
DATE 2/19/08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY--DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin 093	District to Serve 093	Signature of Authorized USMS Deputy or Clerk <u>[Signature]</u>	Date 2/21/08
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above) U.S. Marshals Svc. Hagatna, GM	Date 04/02/08 Time 0853 <input checked="" type="checkbox"/> am <input type="checkbox"/> pm Signature of U.S. Marshal or Deputy <u>[Signature]</u>

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00
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REMARKS:

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

RECEIVED
APR 02 2008

PRIOR EDITIONS MAY BE USED

DISTRICT COURT OF GUAM
HAGATNA, GUAM

Form USM-285
Rev. 12/15/80
Automated 01/00

INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL

Please type or print legibly, insuring readability of all copies. DO NOT DETACH ANY COPIES. Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.